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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,704	09/23/2003	John J. Toben	6006-149-1	2213
7590 Nicholas J. Tuccillo, Esq. McCormick, Paulding & Huber LLP CityPlace II 185 Asylum Street Hartford, CT 06103-3402			EXAMINER SAETHER, FLEMMING	
			ART UNIT 3677	PAPER NUMBER
			MAIL DATE 11/23/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/668,704

**Applicant(s)**

TOBEN ET AL.

**Examiner**

Flemming Saether

**Art Unit**

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 16-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Election/Restrictions***

Applicant's election without traverse of group I in the reply filed on 10/31/07 is acknowledged. Accordingly, claims 16-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b).

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In the claims it is unclear if applicants intend to claim the duct reinforcing rod in combination with the fabrication apparatus or the fabrication apparatus itself because the preamble of claim 1 contradicts itself. Specifically, the preamble initially indicates the combination is to be claimed, by defining a "duct reinforcing rod *and* fabrication apparatus" [italic added], then later indicates that the apparatus is only "for use" with the conduit and threaded element however, both the conduit and threaded element are required to make the reinforcing rod part of the combination. The claims were examined as best understood to be directed to the combination.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siiter (US 6,901,969) in view of Wildi (US 3,590,464). Siiter is similar to applicant's admitted prior art wherein a duct reinforcement rod is fabricated by inserting a conduit over a threaded element and then having an apparatus deforming the conduit to capture the threaded element (see Figs. 9). Siiter however does not disclose the apparatus deforming the conduit at two axially spaced locations to capture the threaded element there between. Wildi discloses a fabrication apparatus including a means for deforming a conduit at two axially spaced locations to capture a threaded element, particularly a nut, there between (see for example Fig. 5). At the time the invention was made, it would have been obvious for one of ordinary skill in the art to modify the apparatus of Siiter for it is deform the conduit at a two axially spaced locations as disclosed in Wildi so that a conventional hexagonal nut could be used to be more economical and versatile than a specialty nut with a groove as currently required in Siiter. Siiter further discloses a vertical orientation of the conduit.

Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siiter in view of Wildi as applied to claims 1 and 3 above, and further in view of Di Maio (US

4,005,519). Modified Siiter does not disclose details of the apparatus as claimed. Di Maio discloses an apparatus having a rack and pinion gear mechanism (see Figs. 17 and 18). At the time the invention was made, it would have been obvious for one of ordinary skill in the art to provide the apparatus of modified Siiter with a rack and pinion gear mechanism as disclosed in Di Maio since rack and pinion arrangements are well known machine elements for conveniently converting rotary to linear motion which would be convenient method for automating the linear motion required the conduit on modified Siiter. As regards claims 7 and 8, the crimping blocks are disclosed in Siiter (again, refer to Figs. 9).

Claims 9-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siiter in view of Wildi as applied to claims 1 and 3 above, and further in view of Ishikawa (US 5,339,516). Modified Siiter fails to disclose detailed features of the apparatus as claimed. Ishikawa discloses an apparatus including a pair of clamping arms (see Fig. 10, element 38) which move in opposite direction to one another to position an element (3) to be selectively moved into a crimping station (at 15) in one direction and a feeder (12) for moving another element (6) into the crimping station from another direction such that the two elements are joined between a pair of crimping arms (17A, 17B). The apparatus being operated pneumatically. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to incorporate an apparatus which moves the conduit and threaded element of modified Siiter together into the crimping

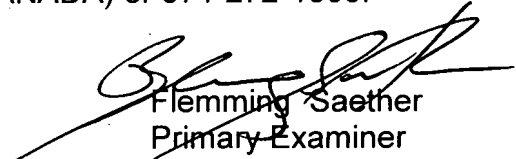
arms in opposite directions as disclosed in Ishikawa in order to automate the fabrication of numerous assemblies which would be more ecumenical.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 571-272-7071. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Flemming Saether  
Primary Examiner